

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
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Paper No. 108

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**THOMAS A. GENISE, RONALD K. MARKYVECH  
and JAMES R. McREYNOLDS**

Junior Party  
(Application 09/289,390)<sup>1</sup>

v.

**THOMAS DESAUTELS, EDWARD M. BACON  
and STEVE M. WEISMAN**

Senior Party,  
(Patent No. 5,573,477)<sup>2</sup>

Patent Interference No. 104,835

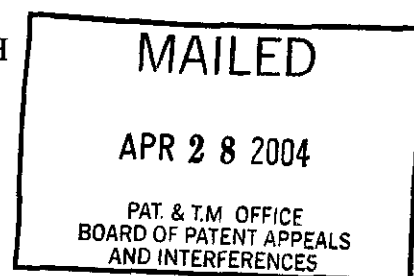
Before McKELVEY, Senior Administrative Patent Judge, and LEE and MOORE,  
Administrative Patent Judges.

LEE, Administrative Patent Judge.

**JUDGMENT – RULE 658**

<sup>1</sup> Filed April 12, 1999. Accorded the benefit of Application 08/666,164, filed June 19, 1996, and 08/649,830, filed April 30, 1996. The real party in interest is Eaton Corporation.

<sup>2</sup> Based on Application 08/508,155, filed July 27, 1995. The real party in interest is Rockwell International Corp. and ZF Meritor, LLC.



Interference No. 104,835  
Genise v. Desautels

For the reasons given in the Decision on Priority (Paper No. 107), it is

**ORDERED** that judgment on priority as to the subject matter of the sole count, Count 1, is herein entered against junior party THOMAS A. GENISE, RONALD K. MARKYVECH and JAMES R. McREYNOLDS;

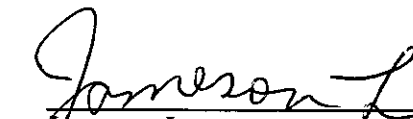
**FURTHER ORDERED** that junior party THOMAS A. GENISE, RONALD K. MARKYVECH and JAMES R. McREYNOLDS is not entitled to its application claims 35-38, 41-43, 45, 47 and 49 which correspond to Count 1;


**FURTHER ORDERED** that the motion panel's May 22, 2003 decision on preliminary motions (Paper No. 71) is merged herewith for purposes of judicial review;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved application or patent of the parties.

m.g.K  
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Fred E. McKelvey, Senior  
Administrative Patent Judge

  
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Jameson Lee  
Administrative Patent Judge

  
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James T. Moore  
Administrative Patent Judge

BOARD OF PATENT  
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AND  
INTERFERENCES

Interference No. 104,835  
Genise v. Desautels

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